

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re: XAVIER BIONACA WHITEHEAD,
Debtor.

Case No. 08-33667-DOT
Chapter 13

NOTICE OF MOTION AND HEARING

The Debtor, Xavier Bionaca Whitehead, has filed papers with the Court, asking the Court to vacate the Order of Discharge in her Chapter 13 case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one, in this bankruptcy case.

If you do not want the court to grant the relief sought in the petition, or if you want the court to consider your views on the petition, then, **7 days prior to June 19, 2013**, you or your attorney must:

File a response with the court pursuant to Local Bankruptcy Rule 9013-(H). You must mail your response to the Clerk, United States Bankruptcy Court, 701 E Broad Street, Suite 4000, Richmond, VA 23219.

You must also attend a hearing on the Motion to Vacate the Order of Discharge, scheduled to be held on **June 19, 2013, at 12:00pm** in Judge Tice's Courtroom at the U.S. Bankruptcy Court, 701 E. Broad Street, Courtroom 5100, Richmond, VA 23219.

You must also mail a copy of your response to: Nnika E. White, Esq., Counsel for Debtor, 9101 Midlothian Turnpike, Suite 800, Richmond, VA 23235.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that Motion.

Date: May 23, 2013

/s/ Nnika E. White
Nnika E. White, Esq.
Law Office of White & Associates
9101 Midlothian Turnpike, Suite 800
Richmond, VA 23235
VSB # 47012
(804) 377-9431

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

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| In re: XAVIER BIONACA WHITEHEAD, |) | Case No. 08-33667-DOT |
| Debtor. |) | Chapter 13 |
| |) | Trustee: Bates |
| |) | |

MOTION TO VACATE ORDER OF DISCHARGE

COMES NOW the Debtor, Xavier Bionaca Whitehead, by Counsel, Nnika E. White, Esq., and moves this Court to vacate the Order of Discharge in her bankruptcy case, and in support thereof, states as follows:

1. On August 1, 2008, Debtor filed in this Honorable Court a Petition for Relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §1301. Carl M. Bates was appointed as the Chapter 13 Trustee (the "Trustee") in this case.
2. Debtor successfully completed her plan payments, and the Trustee filed his Report of Completion of Plan Payments on April 19, 2013.
3. On April 22, 2013, Counsel inadvertently filed Debtor's Certification of Compliance with 11 U.S.C. Section 1328 ("1328 Form"). Debtor had filed a previous Chapter 7 bankruptcy on March 8, 2006; therefore, Debtor was ineligible for a discharge in the instant case. However, Debtor's case was discharged on May 22, 2013.

WHEREFORE, Debtor respectfully requests that this Court vacate its Order of Discharge in this case.

RESPECTFULLY SUBMITTED:

Xavier Bionaca Whitehead

Date: May 23, 2013

/s/ Nnika E. White

Nnika E. White, Esq.

Nnika E. White, Esq.

VSB #47012

Law Office of White & Associates, PC

9101 Midlothian Turnpike, Suite 800

Richmond, VA 23235

(804) 377-9431

NOTICE IS HEREBY GIVEN UNDER LOCAL BANKRUPTCY RULE 9013-1: UNLESS A WRITTEN RESPONSE TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY AT LEAST SEVEN DAYS BEFORE THE SCHEDULED HEARING DATE, THE COURT MAY DEEM ANY OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice and Motion were mailed electronically via CM/ECF to the Chapter 13 Trustee at station01@richchap13.com, and via first-class mail to the attached list of creditors, and all other necessary parties on May 23, 2013.

/s/ Nnika E. White
Nnika E. White, Esq.
Counsel for Debtor

Acs/nellie Mae
501 Bleecker St
Utica, NY 13501

City of Richmond
Dept of Utilities
730 E Broad Street, 5th Floor
Richmond, VA 23219

Allied Interstate Inc
435 Ford Rd Ste 800
Minneapolis, MN 55426

City of Richmond
900 East Broad Street, Rm 103
Richmond, VA 23219

Cash-2U Payday Loans 31
6220 Hull Street Road
Richmond, VA 23224

Credit Management
4200 International Pwy
Carrolton, TX 75007

Caudle and Ballato, PC
3123 West Broad Street
Richmond, VA 23230

ECMC
Lockbox 8682
P O Box 75848
Saint Paul, MN 55175-0848

CBC Collections
PO Box 6220
Charlottesville, VA 22906-6220

HSBC/ORCHARD BK
Attn: Bankruptcy
Po Box 5253
Carol Stream, IL 60197

CBE Group, Inc
PO Box 2337
Waterloo, IA 50704-2337

Jefferson Capital Systems LLC
PO Box 953185
Saint Louis, MO 63195

Charlot Bur
Pob 6220
Charlottesvill, VA 22911

Nationwide Recovery Sys
2304 Tarpley Drive, #134
Carrollton, TX 75006

Check\$mart
159 East Belt Boulevard
Richmond, VA 23224

NCO Financial Systems
507 Prudential Dr
Horsham, PA 19044

Citimortgage Bankruptcy Depart
P.O. Box 689196
Des Moines, IA 50368

Tidewater Auto Credit
565 Cedar Rd
Chesapeake, VA 23320

Us Dept Of Education
Attn: Borrowers Service Dept
Po Box 5609
Greenville, TX 75403

Verizon Virginia Inc
500 Technology Dr
Weldon Spring, MO 63304